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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,491	04/01/2004	Richard Stewart Freeman	Freeman-2	8600
32132	7590	07/29/2005	EXAMINER	
LAMORTE & ASSOCIATES P.C. P.O. BOX 434 YARDLEY, PA 19067			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/816,491

Applicant(s)

FREEMAN, RICHARD STEWART

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, it is not clear whether the applicant is defining that the printed page is formed from various materials, i.e. is formed from multiple materials, paper and plastic, or whether the page is formed from different materials, i.e. from paper or plastic, etc. In claim 3, it is not clear whether the two side support panels are the same as the side, rear and/or bottom panel or panel defined in claim 1 or are additional panels.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayslett (U.S. Patent No. 3,129,524).

Hayslett shows in figures 1-4 scored fold lines (104,106,108), a front image display panel (44), and side support panels (34,36). Hayslett shows in figure 4 the display device (30) in a flattened condition. The display device (30) is cut from a sheet and the portion of the sheet which is removed from around the display device (30) is considered to be the binding attachment panel as broadly defined, see column 4, lines 34-35. The entire assembly which includes the

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display device (30) and the portion of the sheet removed from the display device is considered to be the printed page. Hayslett shows a perforated detachment line (102). In regard to claim 2, as broadly defined, the binding attachment panel “may” also function as the packaging header display card panel. In regard to claim 3, the side panels (34,36) have a curved bottom edge for rocking purposes.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kearns et al. (U.S. Patent No. 5,626,551) in view of Hayslett (U.S. Patent No. 3,129,524).

Kearns et al. shows in figures 1-3B printed pages (12), a binding attachment panel (the small panel between the score line 18 and the binding), fold lines (24 or 35), a front image display panel (22a or 30a), and side support panels (a and c in fig. 2A ) or bottom panel (see figures 3A and 3B, the panel to the left of the fold line 34). Kearns et al. does not disclose whether the fold line is scored. Hayslett shows in figure 4 fold lines (102,104,106) which are scored. In view of the teachings of Hayslett it would have been obvious to one in the art to modify Kearns et al. by making the fold line or lines scored since this would allow the panels to be folded in an easier manner. In regard to claim 2, as broadly defined, the binding attachment panel “may” also function as the packaging header display card panel.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ertzan in view of Kearns et al. (U.S. Patent No. 5,626,551) and Hayslett (U.S. Patent No. 3,129,524).

Ertzan shows in figures 1-8 a printed page (see figure 1), a binding attachment panel (the portions of the page outside the lines 13), fold lines (15), a front image display panel (the center rectangular panel adjacent the lead line for numeral 15), and side support panels (the triangular panels to the sides of the display panel). Ertzan does not disclose whether the detachment line (13) is a perforated line and whether the fold lines are scored. Kearns et al. shows detachment lines (24) which are perforated in order to allow the display to be removed from the rest of the sheet. In view of the teachings of Kearns et al. it would have been obvious to one in the art to modify Ertzan by making the detachment line perforated since this would allow the display to remain attached to the sheet/binding attachment panel until it is desired to remove the display from the sheet as well as to allow the display to be removed from the sheet in an easier manner. Hayslett shows in figure 4 fold lines (102,104,106) which are scored. In view of the teachings of Hayslett it would have been obvious to one in the art to modify Ertzan by making the fold line or lines scored since this would allow the panels to be folded in an easier manner. In regard to claim 2, as broadly defined, the binding attachment panel "may" also function as the packaging header display card panel. In regard to claim 3, Haslett shows in figures 1-4 the idea of making the bottom edges of the side panels (34,36) curved in order to allow the display frame to rock. In view of the teachings of Hayslett it would have been obvious to one in the art to modify Ertzan by making the bottom edges of the side panels curved since


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this would allow the frame to rock which would create a more amusing and eye-catching picture frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
July 25, 2005